



Public Safety Wireless Network

Achieving Interoperability Through Cooperation and Coordination

March 19, 2001

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Magalie Roman Salas
Secretary
Federal Communications Commission
TW-A325
445 Twelfth Street, SW
Washington, DC 20554

Re: *Comments, In the Matter of the Development of Operational, Technical and Spectrum Requirements for Meeting Federal, State and Local Public Safety Agency Communication Requirements Through the Year 2010, Fifth Notice of Proposed Rule Making, in WT Docket No. 96-86*

Dear Ms. Salas:

On behalf of the Public Safety Wireless Network (PSWN) Program and pursuant to Section 1.419 of the Commission's rules, 47 C.F.R. § 1.419 (1999), enclosed herewith for filing are an original and four (4) copies of the PSWN Program's Comments in the above-referenced proceeding.

Kindly date-stamp the additional, marked copy of this cover letter and return it in the envelope provided.

Should you require any additional information, please contact the undersigned.

Respectfully submitted,

A handwritten signature in black ink that reads "Paul H. Wieck II".

Brigadier General Paul H. Wieck II
Iowa Army National Guard
Chair, PSWN Executive Committee
Spectrum Working Group

A handwritten signature in black ink that reads "Steven Proctor".

Steven Proctor
Executive Director,
Utah Communications Agency Network
Executive Vice-Chair,
PSWN Executive Committee

Before the
Federal Communications Commission
Washington, DC 20554

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In the Matter of)
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The Development of Operational,)
Technical and Spectrum Requirements)
For Meeting Federal, State and Local)
Public Safety Agency Communication)
Requirements through the Year 2010)
)

WT Docket No. 96-86

To: The Commission

COMMENTS TO THE FIFTH NOTICE OF PROPOSED RULEMAKING

Filed by: The Public Safety Wireless Network Program

Date: March 19, 2001

Federal Communications Commission
Washington, DC 20554

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**FEDERAL COMMUNICATIONS COMMISSION
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WT Docket No. 96-86

**PUBLIC SAFETY WIRELESS NETWORK (PSWN) PROGRAM COMMENTS TO THE
FIFTH NOTICE OF PROPOSED RULEMAKING**

1. The Public Safety Wireless Network (PSWN) Program¹ Executive Committee (EC) submits the following Comments in response to the Fifth Notice of Proposed Rulemaking (Fifth NPRM) released by the Federal Communications Commission (Commission) on January 17, 2001. The Fifth NPRM is being issued by the Commission based on the recommendations that it received from the Public Safety National Coordination Committee (NCC),² pursuant to their advisory committee role under the Federal Advisory Committee Act.³ In addition, the Fifth NPRM is being issued in response to comments that the Commission received in the Fourth Notice of Proposed Rulemaking (Fourth NPRM) regarding the migration to 6.25 kilohertz (kHz) standard on the 700 megahertz (MHz) band General Use channels. In the Fourth NPRM, the Commission declined to adopt specific rules until it sought further comment on the aforementioned issue.

¹ The PSWN Program is a federally funded initiative operating on behalf of all local, state, and federal public safety agencies. The Department of Justice and the Department of the Treasury are jointly leading the PSWN Program's efforts to plan and foster interoperability among public safety wireless networks. The PSWN Program is a 10-year initiative that is an effort to ensure that no man, woman, or child loses his or her life because public safety officials cannot talk to one another.

² See Public Safety National Coordination Committee's Recommendations to the Federal Communication Commission for Technical and Operational Standards for Use of the 764-776 MHz and 794-806 MHz Public Safety Band Pending Development of Final Rules (February 25, 2000).

³ 5 U.S.C. App 2 (1988).

I. BACKGROUND

2. The PSWN Program was established to foster nationwide interoperability between and among all levels of government—seamless, coordinated, and integrated public safety communications for the safe and efficient protection of life and property.⁴ The PSWN Program continues to develop partnerships between and among local, state, and federal entities, and is working closely with the public safety community to develop a comprehensive implementation plan for interoperability among wireless networks.⁵ The program is more than halfway through its third year and is entering its second 5-year phase. During this phase, the program will assist the public safety community with its implementation of interoperability in accordance with the national plan.⁶

3. Consistent with its charter and building on the findings of the Public Safety Wireless Advisory Committee (PSWAC), the PSWN Program, through the EC, has made spectrum one of its priority areas of activity.⁷ To this end, the PSWN Program has actively participated in the NCC to develop rules for the management of the 700 MHz band interoperability spectrum. The PSWN Program has been directly involved in every aspect of the NCC's activities since the NCC's inception in early 1999. The PSWN Program, through EC members serving on or supporting the NCC subcommittees and its Steering Committee, contributed to the development of the NCC's recommendations at the end of its first year of activity.⁸

⁴ See the *PSWN Program Strategic Plan*, April 1998 (submitted with the PSWN Program Comments, WT Docket No. 96–86) at page 2.

⁵ The information obtained and developed by the PSWN Program through its activities is openly available via the program's Web page at <http://www.pswn.gov>.

⁶ See the *PSWN Program Strategic Plan*, at pages 5, 9, and 10, for information regarding the PSWN Program phases (e.g., their definitions, relative timing, and types of activities within each phase).

⁷ See the PSWN Program Comments (WT Docket No. 96–86) at paragraphs 5 and 6. The PSWN Program has identified six key spectrum issues that require resolution for improving public safety radio communications: insufficient aggregate amount of spectrum, excessive number and undetermined appropriateness of frequency bands, insufficient interoperability spectrum, lack of affordable multiband technology, complicated spectrum management processes, and lack of a migration strategy.

⁸ See *supra* footnote 3.

II. DISCUSSION

4. Based on the comments it received in the Fourth NPRM, the Commission has divided the implementation proposals for the 6.25 kHz standard for General Use channels into two groups. The first group contends that there is no need for migration at all on the General Use channels.⁹ The second group proposed a migration path consisting of five stages and 21 years to implement.¹⁰ The PSWN Program's comments are submitted herewith in response to the issues raised by the Commission. The PSWN Program has previously filed comments relating to the aforementioned issue and shares the Commission's concern with regard to creating a migration path that considers the overall demands of public safety.

5. In the Fourth NPRM, the PSWN Program concurred with the Commission and the majority of commenters that the Project 25, Phase I standard would be the most beneficial interim standard for the 700 MHz interoperability spectrum.¹¹ With the equipment currently available, backward and forward compatibility, and strong nationwide public safety support noted by many commenters, it would be the obvious solution even though it does not satisfy the initial goal of the Commission regarding voice channel bandwidth. In addition, the PSWN Program strongly encouraged a required migration plan to assist in ensuring an eventual move to 6.25 kHz per voice channel at some date to be determined based on band clearance, technology development, and other factors. Moreover, the PSWN Program observed that a plan such as the one proposed by the Association of Public-Safety Communications Officials-International, Inc. (APCO) should be considered as a viable solution.¹²

6. The PSWN Program reaffirms its support of the APCO migration plan. As the Commission clearly and concisely states in the Fifth NPRM, the five-step APCO plan is based on a 21-year implementation period. Step one of the APCO plan, adoption of the Project 25, Phase I interoperability standard, is crucial to the successful achievement of General Use migration.

⁹ See generally Com-Net Ericsson, Nokia, and North American TETRA Forum (NATF) comments to the Fourth Notice.

¹⁰ See generally APCO, International Association of Chiefs of Police (IACP), Motorola, Federal Law Enforcement Wireless Users Group (FLEWUG), PSWN Program, and Project 25 Steering Committee comments to the Fourth NPRM.

¹¹ Fourth NPRM, WT Docket 96-86 at paragraphs 41-49.

¹² APCO Comments at 7-10.

7. The Commission initially developed the 700 MHz spectrum channel plan based on 6.25 kHz channel spacing and therefore declined to adopt the Project 25, Phase I standard. A number of commenters to the Fourth NPRM, including Nokia, stated their support for a uniform standard. We believe that the Project 25, Phase I standard is the only operationally viable standard for interoperability¹³ that supports the conclusions reached by the NCC.

8. The NCC has recommended that the Project 25, Phase I standard, which has been approved by the American National Standards Institute (ANSI), be adopted as the digital voice standard for the 700 MHz interoperability spectrum. To date the NCC has not recommended Project 25, Phase II because of potential delays in developing this standard, nor has it advocated the European Terrestrial Trunked Radio (TETRA) standard, which a number of entities had suggested as a possible alternative to Project 25. The NCC declined to recommend TETRA because this standard has not been approved by the ANSI. In an effort to address the feasibility and need for a 6.25 kHz channel, the APCO has stated that the Project 25, Phase II 6.25 kHz standard will be backward compatible to the current Project 25, Phase I standard.

9. Com-Net Ericsson, Inc. (Ericsson) in the Fourth NPRM asserted that inasmuch as the spectrum would not effectively be available for public safety use until 2006, it would be unnecessary to develop a technology standard for the 700 MHz interoperability spectrum. We disagree. General Use migration using today's equipment, in most cases, requires only a software change that places a very low financial or technical burden on the user. Issues only arise when steps are taken to change existing policy or procedure.¹⁴ Thus, the Project 25 standard could be implemented without substantial cost or change in existing policy or procedure.

10. Step two of the APCO plan recommends that, as of December 31, 2006, or within 6 months after Commission notice, that no less than 15 of the top 20 metropolitan areas have been cleared of relevant television stations. In addition, all new radios for use in the band must have the capability to provide one voice channel per 6.25 kHz and meet the Project 25, Phase I standard for Interoperability channels. In its comments in the Fourth NPRM, Nokia recommended that in the year 2005 the Commission review the state of technological development for 700 MHz band equipment and determine the timing for a formal migration path

¹³ See PSWN Program Ex Parte Comments, WT Docket No. 96-86, January 13, 2000, at Para. 16-22.

¹⁴ 4th NPRM, para 47-49.

to 6.25 kHz interoperability.¹⁵ Likewise, Com-Net Ericsson essentially supported Nokia's assertions by stating that the Commission may want to revisit this issue at a later date. In essence, Nokia's recommendation that the Commission reexamine the technological marketplace and determine whether it is possible to develop a migration path for subsequent transition affirms Step two of the APCO's 21-year plan.

11. Further, the PSWN Program believes that Steps three and four are highly speculative estimates of the time needed to bring General Use migration to fruition. The PSWN Program believes that, at this time, it is impossible for the Commission to estimate when migration may occur until Step two of the APCO plan occurs. Migration of the General Use channels must occur in a stepped process, such as APCO's, and is dependent on a number of variables. Whether the Commission makes the determination in the year 2005 or 2006 depends largely on certain variables. One of those variables, as the Commission correctly points out, is the status of high definition television (HDTV).

12. The PSWN Program has continually voiced its views on the reallocation of the 700 MHz band.¹⁶ The PSWN Program would like to reiterate to the Commission the benefit to public safety of clearing channels 60–69 of analog television (TV) broadcasters within this band. Specifically, the Commission has allocated the 24 MHz of spectrum from TV channels 63, 64, 68, and 69 for public safety use. The clearing of this spectrum, especially where spectrum is most scarce (e.g., Los Angeles, New York City), is extremely important to public safety. Because the public safety community has a vested interest in this spectrum space, it depends on the Commission to help facilitate the vacating of the 24 MHz public safety spectrum by TV broadcasters by the year 2006. Until channels 60–69 are ultimately cleared, the TV broadcasters will play a pivotal role in the ability of the public safety community to migrate to the General Use channels and to the overall realization of nationwide interoperability. Moreover, the 2006 date for TV broadcaster clearance of the 700 MHz band of spectrum directly coincides with Step two of APCO's 21-year plan. Thus, for the above reasons, the PSWN Program would like to assert its preference for the 2006 date to review the General Use migration in accordance with Step two of the APCO plan.

¹⁵ See Comments of Nokia at 14.

¹⁶ See Ex Parte comments of PSWN in the Delay of Auction and Band Clearance Initiatives in the 747–762 and 777–792 MHz Bands, WT Docket 99-168, (June 2, 2000).

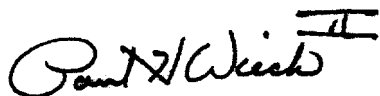
13. Finally, the PSWN Program does not believe that the Commission should adopt different migration paths for rural and urban markets. The PSWN Program believes that the APCO plan allows for a single orderly migration path for the General Use channels. Step three of the APCO plan recommends that, within 10 years after Step two, that in the top 50 metropolitan areas, all General Use operations must be at 6.25 kHz. Further, Step four of the APCO plan recommends that General Use operations must be at 6.25 kHz within 15 years after Step two for the rest of the Nation. Thus, for the sake of simplicity and efficiency, the Commission should not adopt multiple migration paths.

III. CONCLUSION

14. The PSWN Program recommends that the Commission adopt the APCO migration plan for the 6.25 kHz technology. We are convinced that this plan will allow continued advancement of 6.25 kHz technology using proven existing technology while, at the same time, allowing the public safety community to reap the eventual benefits of the robust 6.25 kHz technology expected within the coming years.

15. For the reasons set forth above, the PSWN Program respectfully requests that the Commission adopt the measures proposed in these comments.

Respectfully submitted,



Brigadier General Paul H. Wieck II
Iowa Army National Guard
Chair, PSWN Executive Committee
Spectrum Working Group



Steven Proctor
Executive Director,
Utah Communications Agency Network
Executive Vice-Chair,
PSWN Executive Committee

Before the
Federal Communications Commission
Washington, DC 20554

Certificate of Service

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)	
The Development of Operational,)	
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For Meeting Federal, State and Local)	WT Docket No. 96-86
Public Safety Agency Communication)	
Requirements through the Year 2010)	
)	

I, Richard N. Allen, Senior Associate, Booz Allen & Hamilton Inc., 8283 Greensboro Drive, McLean, Virginia, 22102-3838, hereby certify that on this date I caused to be served, by first-class mail, postage prepaid (or by hand where noted) copies of the Public Safety Wireless Network Program's Comments to the Fifth Notice of Proposed Rulemaking, *In the Matter of the Development of Operational, Technical and Spectrum Requirements for Meeting Federal, State and Local Public Safety Agency Communication Requirements Through the Year 2010*, the original of which is filed herewith and upon the parties identified on the attached service list.

DATED at Fair Oaks, Virginia this 19th day of March 2001.



Richard N. Allen

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